

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GARY LEE DEMENT,)	
)	
Petitioner,)	
)	
vs.)	NO. CIV-05-1115-T
)	
)	
BEN LEHEW,)	
)	
Respondent.)	

ORDER


Petitioner, a state prisoner appearing *pro se*, brought this action for a writ of habeas corpus pursuant to 28 U.S.C. §2254. In accordance with 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings. On September 28, 2005 the magistrate judge filed a Report and Recommendation in which she recommended that the petition be dismissed without prejudice to its refiling because petitioner failed to exhaust his state court remedies prior to filing this action.

In the Report and Recommendation, the magistrate judge advised petitioner of his right to file objections, and scheduled an October 18, 2005 deadline for filing objections. She also advised petitioner that his failure to timely object would result in a waiver of his right to appellate review of the factual and legal issues resolved in the Report and Recommendation.

On October 17, 2005 petitioner filed a request for additional time in which to file his objections to the Report and Recommendation, requesting at least an additional 30 days in which to do so. The court granted that request, and extended petitioner's deadline for filing objections to November 18, 2005.

The extended deadline has expired, and petitioner has not filed objections to the Report and Recommendation. Accordingly, the Report and Recommendation is adopted as though fully set forth herein. This action is dismissed without prejudice to the filing of a new action after petitioner has fully exhausted his state court remedies.

IT IS SO ORDERED this 29th day of November, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE